

## Federal Acquisition Regulation

Pt. 22

(i) \$5 million for a requirement within the NAICS codes for manufacturing; or

(ii) \$3 million for a requirement within any other NAICS code;

(3) The service-disabled veteran-owned small business concern has been determined to be a responsible contractor with respect to performance; and

(4) Award can be made at a fair and reasonable price.

(b) The SBA has the right to appeal the contracting officer's decision not to make a service-disabled veteran-owned small business sole source award.

### 19.1407 Contract clauses.

The contracting officer shall insert the clause 52.219-27, Notice of Total Service-Disabled Veteran-Owned Small Business Set-Aside, in solicitations and contracts for acquisitions under 19.1405 and 19.1406.

## PARTS 20-21 [RESERVED]

## PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

Sec.

22.000 Scope of part.

22.001 Definition.

### Subpart 22.1—Basic Labor Policies

22.101 Labor relations.

22.101-1 General.

22.101-2 Contract pricing and administration.

22.101-3 Reporting labor disputes.

22.101-4 Removal of items from contractors' facilities affected by work stoppages.

22.102 Federal and State labor requirements.

22.102-1 Policy.

22.102-2 Administration.

22.103 Overtime.

22.103-1 Definition.

22.103-2 Policy.

22.103-3 Procedures.

22.103-4 Approvals.

22.103-5 Contract clauses.

### Subpart 22.2—Convict Labor

22.201 General.

22.202 Contract clause.

### Subpart 22.3—Contract Work Hours and Safety Standards Act

22.300 Scope of subpart.

22.301 Statutory requirement.

22.302 Liquidated damages and overtime pay.

22.303 Administration and enforcement.

22.304 Variations, tolerances, and exemptions.

22.305 Contract clause.

### Subpart 22.4—Labor Standards for Contracts Involving Construction

22.400 Scope of subpart.

22.401 Definitions.

22.402 Applicability.

22.403 Statutory and regulatory requirements.

22.403-1 Davis-Bacon Act.

22.403-2 Copeland Act.

22.403-3 Contract Work Hours and Safety Standards Act.

22.403-4 Department of Labor regulations.

22.404 Davis-Bacon Act wage determinations.

22.404-1 Types of wage determinations.

22.404-2 General requirements.

22.404-3 Procedures for requesting wage determinations.

22.404-4 Solicitations issued without wage determinations for the primary site of the work.

22.404-5 Expiration of project wage determinations.

22.404-6 Modifications of wage determinations.

22.404-7 Correction of wage determinations containing clerical errors.

22.404-8 Notification of improper wage determination before award.

22.404-9 Award of contract without required wage determination.

22.404-10 Posting wage determinations and notice.

22.404-11 Wage determination appeals.

22.404-12 Labor standards for contracts containing construction requirements and option provisions that extend the term of the contract.

22.405 Labor standards for construction work performed under facilities contracts.

22.406 Administration and enforcement.

22.406-1 Policy.

22.406-2 Wages, fringe benefits, and overtime.

22.406-3 Additional classifications.

22.406-4 Apprentices and trainees.

22.406-5 Subcontracts.

22.406-6 Payrolls and statements.

22.406-7 Compliance checking.

22.406-8 Investigations.

22.406-9 Withholding from or suspension of contract payments.

- 22.406–10 Disposition of disputes concerning construction contract labor standards enforcement.
- 22.406–11 Contract terminations.
- 22.406–12 Cooperation with the Department of Labor.
- 22.406–13 Semiannual enforcement reports.
- 22.407 Solicitation provision and contract clauses.

#### **Subpart 22.5 [Reserved]**

#### **Subpart 22.6—Walsh-Healey Public Contracts Act**

- 22.601 [Reserved]
- 22.602 Statutory requirements.
- 22.603 Applicability.
- 22.604 Exemptions.
- 22.604–1 Statutory exemptions.
- 22.604–2 Regulatory exemptions.
- 22.605 Rulings and interpretations of the Act.
- 22.606–22.607 [Reserved]
- 22.608 Procedures.
- 22.609 Regional jurisdictions of the Department of Labor, Wage and Hour Division.
- 22.610 Contract clause.

#### **Subpart 22.7 [Reserved]**

#### **Subpart 22.8—Equal Employment Opportunity**

- 22.800 Scope of subpart.
- 22.801 Definitions.
- 22.802 General.
- 22.803 Responsibilities.
- 22.804 Affirmative action programs.
- 22.804–1 Nonconstruction.
- 22.804–2 Construction.
- 22.805 Procedures.
- 22.806 Inquiries.
- 22.807 Exemptions.
- 22.808 Complaints.
- 22.809 Enforcement.
- 22.810 Solicitation provisions and contract clauses.

#### **Subpart 22.9—Nondiscrimination Because of Age**

- 22.901 Policy.
- 22.902 Handling complaints.

#### **Subpart 22.10—Service Contract Act of 1965, as Amended**

- 22.1000 Scope of subpart.
- 22.1001 Definitions.
- 22.1002 Statutory requirements.
- 22.1002–1 General.
- 22.1002–2 Wage determinations based on prevailing rates.
- 22.1002–3 Wage determinations based on collective bargaining agreements.
- 22.1002–4 Application of the Fair Labor Standards Act minimum wage.

- 22.1003 Applicability.
- 22.1003–1 General.
- 22.1003–2 Geographical coverage of the Act.
- 22.1003–3 Statutory exemptions.
- 22.1003–4 Administrative limitations, variations, tolerances, and exemptions.
- 22.1003–5 Some examples of contracts covered.
- 22.1003–6 Repair distinguished from remanufacturing of equipment.
- 22.1003–7 Questions concerning applicability of the Act.
- 22.1004 Department of Labor responsibilities and regulations.
- 22.1005 [Reserved]
- 22.1006 Contract clauses.
- 22.1007 Requirement to submit Notice (SF 98/98a).
- 22.1008 Procedures for preparing and submitting Notice (SF 98/98a).
- 22.1008–1 Preparation of Notice (SF 98/98a).
- 22.1008–2 Preparation of SF 98a.
- 22.1008–3 Section 4(c) successorship with incumbent contractor collective bargaining agreement.
- 22.1008–4 Procedures when place of performance is unknown.
- 22.1008–5 Multiple-year contracts.
- 22.1008–6 Contract modifications (options, extensions, changes in scope) and anniversary dates.
- 22.1008–7 Required time of submission of Notice.
- 22.1009 Place of performance unknown.
- 22.1009–1 General.
- 22.1009–2 Attempt to identify possible places of performance.
- 22.1009–3 All possible places of performance identified.
- 22.1009–4 All possible places of performance not identified.
- 22.1010 Notification to interested parties under collective bargaining agreements.
- 22.1011 Response to Notice by Department of Labor.
- 22.1011–1 Department of Labor action.
- 22.1011–2 Requests for status or expediting of response.
- 22.1012 Late receipt or nonreceipt of wage determination.
- 22.1012–1 General.
- 22.1012–2 Response to timely submission of Notice—no collective bargaining agreement.
- 22.1012–3 Response to timely submission of Notice—with collective bargaining agreement.
- 22.1012–4 Response to late submission of Notice—no collective bargaining agreement.
- 22.1012–5 Response to late submission of Notice—with collective bargaining agreement.
- 22.1013 Review of wage determination.
- 22.1014 Delay of acquisition dates over 60 days.

## Federal Acquisition Regulation

## 22.101-1

- 22.1015 Discovery of errors by the Department of Labor.
- 22.1016 Statement of equivalent rates for Federal hires.
- 22.1017 Notice of award.
- 22.1018 Notification to contractors and employees.
- 22.1019 Additional classes of service employees.
- 22.1020 Seniority lists.
- 22.1021 Requests for hearing.
- 22.1022 Withholding of contract payments.
- 22.1023 Termination for default.
- 22.1024 Cooperation with the Department of Labor.
- 22.1025 Ineligibility of violators.
- 22.1026 Disputes concerning labor standards.

### Subpart 22.11—Professional Employee Compensation

- 22.1101 Applicability.
- 22.1102 Definition.
- 22.1103 Policy, procedures, and solicitation provision.

### Subpart 22.12 [Reserved]

### Subpart 22.13—Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans

- 22.1300 Scope of subpart.
- 22.1301 Definition.
- 22.1302 Policy.
- 22.1303 Applicability.
- 22.1304 Procedures.
- 22.1305 Waivers.
- 22.1306 Department of Labor notices and reports.
- 22.1307 Collective bargaining agreements.
- 22.1308 Complaint procedures.
- 22.1309 Actions because of noncompliance.
- 22.1310 Solicitation provision and contract clauses.

### Subpart 22.14—Employment of Workers with Disabilities

- 22.1400 Scope of subpart.
- 22.1401 Policy.
- 22.1402 Applicability.
- 22.1403 Waivers.
- 22.1404 Department of Labor notices.
- 22.1405 Collective bargaining agreements.
- 22.1406 Complaint procedures.
- 22.1407 Actions because of noncompliance.
- 22.1408 Contract clause.

### Subpart 22.15—Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor

- 22.1500 Scope.
- 22.1501 Definitions.
- 22.1502 Policy.

- 22.1503 Procedures for acquiring end products on the List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor.

- 22.1504 Violations and remedies.
- 22.1505 Solicitation provision and contract clause.

### Subpart 22.16—Notification of Employee Rights Concerning Payment of Union Dues or Fees

- 22.1600 Scope of subpart.
- 22.1601 Definitions.
- 22.1602 Policy.
- 22.1603 Exemptions granted by the Secretary of Labor.
- 22.1604 Compliance investigations and sanctions for violations.
- 22.1605 Contract clause.

AUTHORITY: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

SOURCE: 48 FR 42258, Sept. 19, 1983, unless otherwise noted.

### 22.000 Scope of part.

This part—

(a) Deals with general policies regarding contractor labor relations as they pertain to the acquisition process;

(b) Prescribes contracting policy and procedures for implementing pertinent labor laws; and

(c) Prescribes contract clauses with respect to each pertinent labor law.

### 22.001 Definition.

*Administrator* or *Administrator, Wage and Hour Division*, as used in this part, means the Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210 or an authorized representative.

[53 FR 4935, Feb. 18, 1988]

## Subpart 22.1—Basic Labor Policies

### 22.101 Labor relations.

#### 22.101-1 General.

(a) Agencies shall maintain sound relations with industry and labor to ensure (1) prompt receipt of information